



Department of Energy

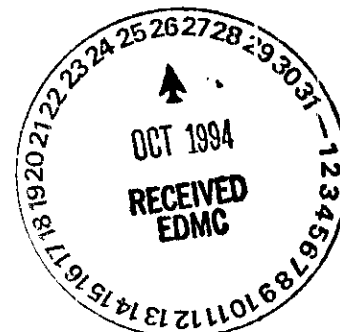
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

OCT 20 1994

94-PRD-026

Mr. Dan Silver, Assistant Director
Office of Waste Programs
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Mr. Randall F. Smith, Director
Hazardous Waste Division
U.S. Environmental Protection Agency
1200 Sixth Avenue, HW-124
Seattle, Washington 98101



Dear Messrs. Silver and Smith:

PROPOSED REGULATORY PATH FOR THE ENVIRONMENTAL RESTORATION DISPOSAL FACILITY (ERDF)

The U.S. Department of Energy, Richland Operations Office (RL), believes that the U.S. Environmental Protection Agency (EPA) ltr. to J. D. Bauer and J. R. Hunter from R. F. Smith and D. Silver "Proposed Regulatory Path for Environmental Restoration Disposal Facility (ERDF)," dtd. August 17, 1994, generally reflects the recent (July 25-26, 1994) unit manager discussions regarding revision of the ERDF Regulatory Package. It is RL's understanding that EPA and the State of Washington Department of Ecology (Ecology) are proposing that the ERDF Record of Decision (ROD) fully authorize construction and operation of the first two cells as a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) facility. RL believes that this revised strategy, while a departure from the original joint CERCLA-Resource Conservation Recovery Act (RCRA)/Corrective Action Management Unit regulatory pathway, is the appropriate strategy for ERDF authorization. It must be realized, however, that this unanticipated departure from the original regulatory pathway has resulted in delays to the ERDF project schedule.

It is important that the full 1.6 square mile ERDF site be addressed in the ERDF Proposed Plan in order to delineate the total site boundary. Then authorization to construct additional cells, within the 1.6 square mile site, could be made without revisiting the siting process. RL agrees that additional cells can be authorized by amending the ERDF ROD or by including the cells within an Operable Unit specific ROD.

RL concurs fully with EPA and Ecology's statement that the ERDF shall be made available for disposal of wastes under CERCLA, specifically including wastes from operable units currently designated as RCRA past-practice sites. RL believes that this position reflects the expressed intent of all parties, and that the final resolution of this issue is critical to the viability of the ERDF project.

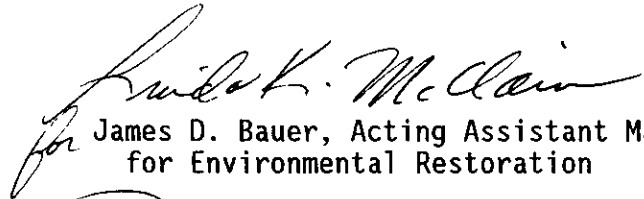
Messrs. Silver and Smith
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If you have any questions you may Mr. Owen C. Robertson at (509) 373-6295 or
Ms. Allison K. Crowell at (509) 372-2346.

Sincerely,


for James D. Bauer, Acting Assistant Manager
for Environmental Restoration

PRD:OCR


R. A. Holten, Acting Assistant Manager
for Waste Management

cc: D. Fagan, EPA
N. Hepner, Ecology
P. Innis, EPA
B. Lum, USGS
J. Ross, PRC
D. Sherwood, EPA
EDMC, H6-08